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EXPRESS MAILING LABEL NO: EL327514815US

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Date: July 14, 2000
Atty Docket No: 102689-33/00-U0031

JC541 U.S. PTO
09/616477
07/14/00

Sir:
Transmitted herewith for filing is the patent application of:

Inventor(s): Chris R. Noel, Corey Simons, Joseph D. Kidder, Nicholas A. Langrind, Brian Branscomb and Jonathan D. Madsen
Entitled: **UPPER LAYER NETWORK DEVICE INCLUDING A PHYSICAL LAYER TEST PORT**

Enclosed are:

- ☒ Patent application (including 137 sheets of Specification; 8 sheets of Claims (Claims #1-36); 1 sheet of Abstract; and 61 sheets of ☒ informal ☐ formal drawings (one set) (FIGS 1-10, 11a, 11b, 12-15, 16a, 16b, 16c, 16d, 17-30, 31a, 31b, 31c, 32a, 32b, 32c, 33a, 33b, 33c, 33d, 34a, 34b, 35-40, 41a, 41b, 41c and 42-58);
- ☒ Title Sheet for Patent Application;
- ☒ Declaration and Power of Attorney (☒ executed ☐ unexecuted);
- ☒ Verified Statement Claiming Small Entity Status;
- ☒ Assignment (w/Recordation Sheet) of the invention to Équipe Communications Corporation.
- ☒ Check in the amount of \$40.00 representing Assignment Recordal Fee;
- ☒ Check in the amount of \$ representing filing fee based on ☐ large entity status ☒ small entity status;
- ☒ Bibliographic Data Sheet; and
- ☒ Postcard receipt.

CLAIMS FILED:	MINUS BASE:	<u>EQUALS</u> <u>EXTRA CLAIMS:</u>	RATE:	BASIC FEE \$ 690.00
Total: 36	20	<u>16</u>	x \$ 18.00	\$ 288.00
Independent: 4	3	<u>1</u>	x \$ 78.00	\$ 78.00
Multiple Dependent Claims (1st presentation) \$260.00				\$ 0.00
<u>SUBTOTAL FILING FEE</u>				\$ 1,056.00
Small Entity filing, divide by ½ (Note: Verified Statement must be attached)				\$ 528.00
TOTAL FILING FEE				\$ 528.00

- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 141449.

SUBMIT IN DUPLICATE

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Sent By: Equipe Communications;
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781 795 2031;
617 439 2978;

Jul-14 11:13AM;
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Page 2

Sheet 1 of 2

EXPRESS MAILING LABEL NO. EL327514815US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Noel, *et al.*

ATTORNEY DOCKET NO: 102689-33/00-U0031

APPLICATION NO: N/A

EXAMINER:

FILED HEREWITH

GROUP NO:

ENTITLED: UPPER LAYER NETWORK DEVICE INCLUDING A PHYSICAL LAYER TEST PORT

STATEMENT CLAIMING SMALL ENTITY STATUS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

THE UNDERSIGNED STATES:

Exclusive rights in the above-identified invention reside in the "small entity(ies)" defined and named below, and "small entity" fees are appropriate. Qualification as a small entity is based upon the statement(s) below:

SMALL BUSINESS CONCERN

The below-identified small business concern qualifies as a small business as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, in that the number of employees, including those of its affiliates, which does not exceed 500 persons, and it has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

The undersigned acknowledge(s) the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 11.28(b)).

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Sheet 2 of 2

The below-signing individual(s) hereby declare(s) that (he, she, they) are authorized to execute this statement on behalf of the small entity; that all statements made herein of (his, her, their) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issue thereon, or any patent to which this verified statement is directed.

Name of Small Entity:

Equipe Communications Corporation

Address of Small Entity:

One Hundred Nagog Park, Acton, MA 01720


Name of Person Signing:

Patricia Davis

Title of Person Signing:

Corporate Counsel

Signature: (Please sign and date in permanent ink.)

X 

Date signed:

X 7/14/00